

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
FILED

NOV - 4 2025

NATHAN OCHSNER
CLERK OF COURT

United States Court of Appeals
for the Fifth Circuit

No. 25-20431

United States Court of Appeals
Fifth Circuit

FILED

November 4, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ENRIQUE ROBERTO CUELLAR,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:24-CR-224-1

ORDER:

IT IS ORDERED that Appellee's motion to view and obtain sealed documents is GRANTED.

/s/ Priscilla Richman

PRISCILLA RICHMAN
United States Circuit Judge

CASE No. 25-20431

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

UNITED STATES OF AMERICA,

PLAINTIFF-APPELLEE,

V.

ENRIQUE ROBERTO CUELLAR,

DEFENDANT-APPELLANT.

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS,
HOUSTON DIVISION,
CASE No. 4:24-CR-224**

**UNOPPOSED MOTION OF
DEFENDANT-APPELLANT, ENRIQUE ROBERTO CUELLAR,
TO ACCESS SEALED PORTIONS OF THE RECORD**

**Stephen Dockery
Flood & Flood
914 Preston at Main, Suite 800
Houston, Texas 77002
713-223-8877
713-223-8879 fax**

**Attorney for Defendant-Appellant,
Enrique Roberto Cuellar**

CERTIFICATE OF INTERESTED PERSONS
United States v. Enrique Roberto Cuellar
Case No. 25-20431

The undersigned counsel of record certifies that the following listed persons and entities described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal:

Appellee:	Counsel for Appellees:
United States of America	Carmen Mitchell of U.S. Attorney's Office, Houston, TX
United States of America	Aaron Jennen of U.S. Department of Justice, Washington, DC
United States of America	Celia Choy of U.S. Department of Justice, Washington, DC
United States of America	Rosaleen O'Gara of U.S. Department of Justice, Washington, DC

Appellant:	Counsel for Appellants:
Enrique Cuellar	Chris Flood of Flood & Flood, Houston, TX
Enrique Cuellar	Stephen Dockery of Flood & Flood, Houston, TX
Enrique Cuellar	Robert Eric Reed of The Reed Law Firm, Houston, TX

Other Interested Party:	
Hon. Lee H. Rosenthal	United States District Judge, United States District Court for the Southern District of Texas

/s/ Stephen Dockery _____
Stephen Dockery,
Attorney of Record for Appellant

Defendant-Appellant Enrique Roberto Cuellar, through undersigned counsel, files this motion requesting permission to review and obtain copies of sealed materials part of the record on appeal. In support of this motion, Mr. Cuellar shows the following:

1. On September 19, 2025, the district court entered an order denying Defendant-Appellant's motion to dismiss the indictment for violating the Speech or Debate Clause, U.S. Const. Art. I, § 6, cl. 1. On September 25, 2025, Defendant-Appellant timely filed a Notice of Appeal to this Court.

2. Upon review of the record on appeal, it contains sealed materials that are likely relevant to the issues presented on appeal. Specifically, certain sections of the grand jury transcripts in this matter were filed under seal, while additional portions were submitted *ex parte* and under seal for the Court's *in camera* review.

3. Defendant-Appellant has a legitimate and substantial need to review these materials to cite the relevant documents correctly. Limited access under appropriate confidentiality protections will not prejudice any party or undermine the reason the materials were sealed.

4. To ensure full access to the record and the ability to reference the correct record on appeal citations, Defendant-Appellant respectfully requests authorization to review the sealed and *ex parte* filings in this matter for the limited purpose of preparing the Defendant-Appellant's brief.

5. The government, through Celia Choy, Attorney, U.S. Department of Justice, states that it does not oppose the relief requested in this motion.

For the foregoing reasons, Defendant-Appellant respectfully requests that this Court grant this Motion to Access Sealed Records pursuant to 5th Cir. R. 27.1.20.

DATED: October 31, 2025

Respectfully submitted,

/s/ Stephen Dockery

Stephen Dockery

Email: stephen@floodandflood.com

FLOOD & FLOOD

914 Preston at Main, Suite 800

Houston, TX 77002

(713) 223-8877

(713) 223-8879 fax

**ATTORNEY FOR
DEFENDANT-APPELLANT,
ENRIQUE ROBERTO CUELLAR**

CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because it contains 262 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f).

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman 14-point font.

Dated: October 31, 2025.

/s/ Stephen Dockery

Stephen Dockery

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2025, I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Stephen Dockery

Stephen Dockery

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Assistant U.S. Attorney Celia Choy regarding this motion. Ms. Choy stated she is unopposed to the request.

/s/ Stephen Dockery

Stephen Dockery

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

November 04, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 25-20431 USA v. Cuellar
USDC No. 4:24-CR-224-1

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Christy Combel

By: _____
Christy M. Combel, Deputy Clerk
504-310-7651

Ms. Celia Ruth Choy
Mr. Garrett Coyle
Mr. Stephen Dockery
Mr. Chris Flood
Mr. Aaron Jennen
Ms. Carmen Castillo Mitchell
Ms. Rosaleen O'Gara
Mr. Nathan Ochsner
Mr. Robert Eric Reed